

# EXHIBIT A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JORGE FONSECA and REYES ANDON on behalf  
of themselves and others similarly situated,

Plaintiffs,

-against-

DIRCKSEN & TALLEYRAND INC. d/b/a RIVER  
CAFE and MICHAEL "BUZZY" O'KEEFE,

Defendants.

Index No. 13-CV-5124 (AT)

**DECLARATION OF RICHARD DEAN**

RICHARD DEAN hereby declares as follows under the penalties of perjury:

1. I am over eighteen years of age and am competent to testify regarding the matters stated in this declaration.
2. The following is based upon my knowledge, information, and belief as the Controller for Dircksen & Talleyrand Inc. ("Dircksen & Talleyrand"), the company that does business as The River Café restaurant located at One Water Street, Brooklyn, New York 11201. I have been employed in this position since March 2000.
3. The River Cafe is a restaurant located in Brooklyn on the East River with a view of Manhattan's eastern skyline. It was established in 1977 by owner Michael O'Keeffe.
4. In October 2012, the River Café closed its public dining room as a result of severe damage sustained during Hurricane Sandy.
5. The River Café recently opened its dining room for limited public dining.
6. The River Café has a time clock that employees are encouraged to use in order to record their work time.

7. Employees who utilize the time-keeping system are paid in accordance with their time records.

8. The amount that wait staff receives per shift differs by day and position. Except for bartenders and captains, wait staff who fail to clock in and out are paid five (5) hours for a lunch shift from Monday-Friday, six (6) hours for a lunch shift on Saturday and Sunday, and eight (8) hours for a dinner shift all week. All of these hours are paid at the rate of \$5.00 per hour.

9. Bartenders are paid eight (8) hours for a single shift and twelve (12) hours for a double shift. They are paid at a rate of \$5.00 per hour.

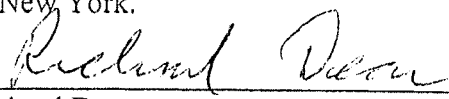
10. Captains are paid for seven (7) hours each shift at a rate of \$5.7142 per hour.

11. The shift pay is designed to provide the applicable minimum wage for all hours of work.

12. Typically, new employees use the time-keeping function within the River Café's point of sale system for the first month or so of employment, then stop, presumably because they are paid more by not clocking in and receiving the shift pay.

13. I declare under penalty of perjury under the laws of the United States of America that the foregoing statement is true and correct.

Executed this 6th day of January in New York, New York.

  
Richard Dean